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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David A. Levine

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SHAW PITTMAN  
IP GROUP  
1650 TYSONS BOULEVARD  
SUITE 1300  
MCLEAN, VA 22102

EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/14/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/964,384

Applicant(s)

LEVINE ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-49 and 51-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-49 and 51-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 5-6, 9-14, 17, 20-21, 23, 25-26, 43, 45-47, 51-54, 56-57 and 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Chen (5,930,346).

Regarding claims 1, 5, 9, 17, 21, 43, 47, 51, 53-54, 56, and 60. Kay teaches a method for providing an intercom service (see last four lines of abstract), the method comprising:

receiving an intercom service request, the intercom service request including a calling number associated with a location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32);

determining that the calling number corresponds to a subscriber to the intercom service location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32); and

directing initiation of an intercom call to the location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32).

According to Applicant, Kay does not teach or suggest call-back (i.e. on-hook) features (see Applicant's remark on page 14 lines 12-13 of paper number 7, Amendment "A", dated 10/14/03).

Chen discloses residential single line telephone service (abstract) used for intercom functions (col. 4 lines 51-53). Chen shows plurality of telephones associated with a calling number at a location (see figure 1 wherein subscriber line 116 is monitored for intercom service request). Chen discloses that subscriber at location 134 provides service activation code when intercom connection is desired with another person located at station 100 (figure 1) whereby both locations 134 and 100 share same subscriber line 116 figure 1. The subscriber at location 134 is then put on hook (col. 10

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lines 26-28) and central office (114 figure 1) simultaneously applies caller id message to subscriber line 116 (figure 1) indicating the intercom connection is desired with person located at station 100 (col. 10 lines 18-52). Chen discloses that intercom session is managed by terminating central office (col. 10 lines 36-38).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the interconnected central offices as taught by Kay to incorporate the logic as taught by Chen (col. 10 lines 18-52) for the benefit of extending intercom services to subscribers having one line that is shared with plurality of telephones.

Regarding claims 6, 10, 20, 23, 25-26, 45-46, 52, 57, and 61. Kay teaches receiving intercom service request at a service node (see ISCP 40 figure 2).

Regarding claims 11 and 62. Kay teaches AIN query (col. 11 lines 10-13).

Regarding claims 12 and 63. Kay teaches using feature code (see bottom of column 18 wherein “#” or “\*” triggers AIN recognition).

Regarding claims 13-14 and 64-65. Kay teaches using switch hookflash to indicate feature (columns 17-20).

2. Claims 2-3, 7-8, 22, 24, 27-32, 36, 44, 48-49, 55 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Chen (5,930,346) further in view of Fleischer, III et al (5,974,133 hereinafter Fleischer).

Regarding claims 2-3, 7, 24, 44, 48-49, 55, and 58. Kay in view of Chen fails to teach terminating the intercom call based at least in part on a termination condition.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21). Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Chen to use a timer as taught by Fleischer so that the intercom call may be terminated if the proper intercom code is not entered within a predefined time period.

Regarding claims 30-32, 36. Kay teaches a method for providing an intercom service (see last four lines of abstract), the method comprising:

receiving an intercom service request, the intercom service request including a calling number associated with a location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32);

determining that the calling number corresponds to a subscriber to the intercom service location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32); and

directing initiation of an intercom call to the location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32).

However, Kay in view of Chen fails to teach terminating the intercom call based at least in part on a termination condition.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21). Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Chen to use a timer as taught by Fleischer so that the intercom call may be terminated if the proper intercom code is not entered within a predefined time period.

Regarding claims 8, 22, and 59. Kay teaches using announcement to collect digits (see standard TCAP protocol announcements used column 12).

Regarding claims 27-29. Kay in view of Chen fails to teach using system intercom service number.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21). Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the

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trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Chen to use AIN triggers as taught by Fleischer allowing for a more flexible intercom system that enables users to make intercom connections over a larger area.

3. Claims 15-16, 18-19 and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Chen (5,930,346) further in view of Regnier (6,345,047).

Regarding claims 15-16, 18-19 and 66-67. Kay in view of Chen fail to show using first and second ring patterns.

Regnier teaches using telephony adapter used for intercom service wherein user presses “#” to invoke the service, speaks “Sophie” and hangs up. The adapter recognizes the “#” code and relays it to software residing in the adapter, informing it of the request for the intercom service. Next, the adapter applies Sophie distinctive ringing pattern on home wiring port. When Sophie answers from some phone in the house, the caller would pick-up his phone and communication would be established (column 19 lines 6-21).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the central offices as taught by Kay in view of Chen to



incorporate the logic as taught by Regnier for the benefit of allowing central office to distinctively ring subscriber line with particular pattern so that a subscribers sharing same line may know that an intercom connection is desired.

4. Claims 33-35 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Chen (5,930,346) and Fleischer, III et al (5,974,133 hereinafter Fleischer) further in view of further in view of Regnier (6,345,047).

Regarding claims 33-35, 37-39. Kay in view of Chen and Fleischer fail to show using first and second ring patterns.

Regnier teaches using telephony adapter used for intercom service wherein user presses “#” to invoke the service, speaks “Sophie” and hangs up. The adapter recognizes the “#” code and relays it to software residing in the adapter, informing it of the request for the intercom service. Next, the adapter applies Sophie distinctive ringing pattern on home wiring port. When Sophie answers from some phone in the house, the caller would pick-up his phone and communication would be established (column 19 lines 6-21).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the central offices as taught by Kay in view of Chen and Fleischer to incorporate the logic as taught by Regnier for the benefit of allowing central

office to distinctively ring subscriber line with particular pattern so that a subscribers sharing same line may know that an intercom connection is desired.

Regarding claims 40-42. Kay in view of Chen and Fleischer do not show using a second off-hook indication and receiving the intercom call based at least in part on sending the second off-hook indication. However, Kay discloses flashing the hookswitch on telephone to hear a new dial tone wherein another intercom extension number may be dialed (column 17). Fleischer uses AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21).

Regnier teaches using telephony adapter used for intercom service wherein user presses “#” to invoke the service, speaks “Sophie” and hangs up. The adapter recognizes the “#” code and relays it to software residing in the adapter, informing it of the request for the intercom service. Next, the adapter applies Sophie distinctive ringing pattern on home wiring port. When Sophie answers from some phone in the house, the caller would pick-up his phone and communication would be established (column 19 lines 6-21).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the central offices as taught by Kay in view of Chen and Fleischer to incorporate the logic as taught by Regnier for the benefit of allowing central office to distinctively ring subscriber line with particular pattern so that a subscribers sharing same line may know that an intercom connection is desired.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-3, 5-49 and 51-67 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
MELUR RAMAKRISHNAIAH  
PRIMARY EXAMINER